United Nations E/2011/L.22

Economic and Social Council

Distr.: Limited
29 June 2011

Original: English

Substantive session of 2011
Geneva, 4-29 July 2011
Item 13 (m) of the provisional agenda*
Economic and environmental questions: transport of dangerous goods

Draft resolution submitted by the Vice-President of the Council, Miloš Koterec (Slovakia), on the basis of informal consultations

Work of the Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals

The Economic and Social Council,

Recalling its resolutions 1999/65 of 26 October 1999 and 2009/19 of 29 July 2009,

Having considered the report of the Secretary-General on the work of the Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals during the biennium 2009-2010,[1]

A. Work of the Committee regarding the transport of dangerous goods

Recognizing the importance of the work of the Committee for the harmonization of codes and regulations relating to the transport of dangerous goods,

Bearing in mind the need to maintain safety standards at all times and to facilitate trade, as well as the importance of this to the various organizations responsible for modal regulations, while meeting the growing concern for the protection of life, property and the environment through the safe and secure transport of dangerous goods,

Noting the ever-increasing volume of dangerous goods being introduced into worldwide commerce, and the rapid expansion of technology and innovation,

* E/2011/100 and Corr.1.
[1] E/2011/91.

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Recalling that, while the major international instruments governing the transport of dangerous goods by the various modes of transport and many national regulations are now better harmonized with the Model Regulations annexed to the Committee's recommendations on the transport of dangerous goods, further work on harmonizing these instruments is necessary to enhance safety and to facilitate trade, and recalling also that uneven progress in the updating of national inland transport legislation in some countries of the world continues to present serious challenges to international multimodal transport,

Noting with concern that, despite the recommendations contained in chapter 5.5 of the Model Regulations annexed to the Recommendations on the Transport of Dangerous Goods, intended to alert workers involved in opening and unloading transport units containing general cargo that has been fumigated prior to shipment for phytosanitary purposes and who may be unfamiliar with the substantial risks of asphyxiation, intoxication and death when such units have not been ventilated, accidents during such operations are still reported in port areas and inland container depots,

1. *Expresses its appreciation* for the work of the Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals with respect to matters relating to the transport of dangerous goods, including their security in transport;

2. *Requests* the Secretary-General:

(a) To circulate the new and amended recommendations on the transport of dangerous goods[2] to the Governments of Member States, the specialized agencies, the International Atomic Energy Agency and other international organizations concerned;

(b) To publish the seventeenth revised edition of the *Recommendations on the Transport of Dangerous Goods: Model Regulations*[3] and amendment 1 to the fifth revised edition of the *Recommendations on the Transport of Dangerous Goods: Manual of Tests and Criteria*[4] in all the official languages of the United Nations, in the most cost-effective manner, no later than the end of 2011;

(c) To make those publications available on the website of the Economic Commission for Europe,[5] which provides secretariat services to the Committee, and to make them available also on CD-ROM;

3. *Invites* all Governments, the regional commissions, the specialized agencies, the International Atomic Energy Agency and the other international organizations concerned to transmit to the secretariat of the Committee their views on the Committee's work, together with any comments that they may wish to make on the recommendations on the transport of dangerous goods;

4. *Invites* all interested Governments, the regional commissions, the specialized agencies and the international organizations concerned to take into account the recommendations of the Committee when developing or updating appropriate codes and regulations;

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[2] ST/SG/AC.10/38/Add.1 and Add.2.

[3] ST/SG/AC.10/1/Rev.17.

[4] ST/SG/AC.10/11/Rev.5/Amend.1.

[5] www.unece.org/trans/danger/danger.html.

5. *Invites* in particular the Governments of Member States, the International Labour Organization and the International Maritime Organization to draw the attention of authorities and other entities concerned with workplace safety to the warning, marking, documentation and training provisions contained in chapter 5.5 of the *Recommendations on the Transport of Dangerous Goods: Model Regulations* or in the *International Maritime Dangerous Goods Code*, concerning fumigated cargo transport units, and to take appropriate steps to ensure their implementation and workers' awareness;

6. *Requests* the Committee to study, in consultation with the International Maritime Organization, the International Civil Aviation Organization, the regional commissions and the intergovernmental organizations concerned, the possibilities of improving the implementation of the Model Regulations on the transport of dangerous goods in all countries for the purposes of ensuring a high level of safety and eliminating technical barriers to international trade, including through the further harmonization of international agreements or conventions governing the international transport of dangerous goods;

7. *Invites* all Governments, as well as the regional commissions and organizations concerned, the International Maritime Organization and the International Civil Aviation Organization to provide feedback to the Committee regarding differences between the provisions of national, regional or international legal instruments and those of the Model Regulations, in order to enable the Committee to develop cooperative guidelines for enhancing consistency between these requirements and reducing unnecessary impediments; to identify existing substantive and international, regional and national differences, with the aim of reducing those differences in modal treatment to the greatest extent practical and ensuring that where differences are necessary they do not pose impediments to the safe and efficient transport of dangerous goods; and to undertake an editorial review of the Model Regulations and various modal instruments with the aim of improving clarity, user friendliness and ease of translation;

B. Work of the Committee regarding the Globally Harmonized System of Classification and Labelling of Chemicals

Bearing in mind that in paragraph 23 (c) of the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[6] countries were encouraged to implement the Globally Harmonized System of Classification and Labelling of Chemicals as soon as possible with a view to having the system fully operational by 2008,

Bearing in mind also that the General Assembly, in its resolution 57/253 of 20 December 2002, endorsed the Johannesburg Plan of Implementation and requested the Economic and Social Council to implement the provisions of the Plan relevant to its mandate and, in particular, to promote the implementation of Agenda 21 by strengthening system-wide coordination,

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[6] *Report of the World Summit on Sustainable Development: Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

Noting with satisfaction:

(a) That the Economic Commission for Europe and all United Nations programmes and specialized agencies concerned with chemical safety in the field of transport or of the environment, in particular the United Nations Environment Programme, the International Maritime Organization and the International Civil Aviation Organization, have already taken appropriate steps to amend or update their legal instruments in order to give effect to the Globally Harmonized System of Classification and Labelling of Chemicals or are considering amending them as soon as possible;

(b) That the International Labour Organization, the Food and Agriculture Organization of the United Nations and the World Health Organization are also taking appropriate steps to adapt their existing chemical safety recommendations, codes and guidelines to the Globally Harmonized System, in particular in the areas of occupational health and safety, pesticide management and the prevention and treatment of poisoning;

(c) That the Globally Harmonized System has already been in force in Mauritius since 2004;[7]

(d) That New Zealand, where the first edition of the Globally Harmonized System has been in force since 2001, is updating its national legislation in accordance with the provisions of its third revised edition;[7]

(e) That in the European Union, the first adaptation to technical progress to the so-called "Classification, Labelling and Packaging Regulation",[8] implementing the Globally Harmonized System in its member States and in the European Economic Area, entered into force on 25 September 2009[9] and that a second adaptation, intended to bring the Classification, Labelling and Packaging Regulation in line with the provisions of the third revised edition of the Globally Harmonized System, is expected to be published within the first half of 2011;[7]

(f) That national legislation implementing the Globally Harmonized System in Serbia entered into force on September 2010;[7]

(g) That in the United States of America, the Department of Labor of the Occupational Safety and Health Administration published on 30 September 2009 a proposed rule to modify its existing Hazard Communication Standard to conform with the third revised edition of the Globally Harmonized System;[7]

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[7] Information on implementation of the Globally Harmonized System of Classification and Labelling of Chemicals by country and through international legal instruments, recommendations, codes and guidelines is available on the website of the Economic Commission for Europe at www.unece.org/trans/danger/publi/ghs/implementation_e.html.

[8] Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing directives 67/548/EEC and 1999/45/EC, and amending regulation (EC) No. 1907/2006 (*Official Journal of the European Union*, L 353 of 31 December 2008). The Regulation entered into force on 20 January 2009.

[9] Commission Regulation (EC) No. 790/2009 of 10 August 2009, amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No. 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (*Official Journal of the European Union*, L 235 of 5 September 2009).

(h) That implementation of the Globally Harmonized System has started in the Republic of Korea, Singapore and Viet Nam;[7]

(i) That other Member States (e.g., Australia, Brazil, Canada, China, Japan, Malaysia, the Russian Federation, South Africa and Switzerland) participating in the activities of the Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals are actively preparing revisions of national legislation, or have developed or already issued standards applicable to chemicals in implementation of the Globally Harmonized System;[7]

(j) That a number of United Nations programmes and specialized agencies and regional organizations, in particular the United Nations Institute for Training and Research, the International Labour Organization, the World Health Organization, the Economic Commission for Europe, the Asia-Pacific Economic Cooperation and the Organization for Economic Cooperation and Development, Governments, the European Union and non-governmental organizations representing the chemical industry, have organized or contributed to multiple workshops, seminars and other capacity-building activities at the international, regional, subregional and national levels in order to raise administration, health sector and industry awareness and to prepare for or support the implementation of the Globally Harmonized System;

Aware that effective implementation will require further cooperation between the Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals and the international bodies concerned, continued efforts by the Governments of Member States, cooperation with the industry and other stakeholders, and significant support for capacity-building activities in countries with economies in transition and developing countries,

Recalling the particular significance of the United Nations Institute for Training and Research, the International Labour Organization and the Organization for Economic Cooperation and Development Global Partnership for Capacity-building to Implement the Globally Harmonized System of Classification and Labelling of Chemicals for building capacities at all levels,

1. *Commends* the Secretary-General for the publication of the third revised edition of the *Globally Harmonized System of Classification and Labelling of Chemicals* in the six official languages of the United Nations, in book form[10] and on CD-ROM, and its availability together with related information material on the website of the Economic Commission for Europe,[5] which provides secretariat services to the Committee;

2. *Expresses its deep appreciation* to the Committee, the Economic Commission for Europe, United Nations programmes, specialized agencies and other organizations concerned for their fruitful cooperation and their commitment to the implementation of the Globally Harmonized System of Classification and Labelling of Chemicals;

[10] United Nations publication, Sales No. E.09.II.E.10 and corrigenda.

3. *Requests* the Secretary-General:

(a) To circulate the amendments[11] to the third revised edition of the *Globally Harmonized System of Classification and Labelling of Chemicals* to the Governments of Member States, the specialized agencies and other international organizations concerned;

(b) To publish the fourth revised edition[12] of the *Globally Harmonized System of Classification and Labelling of Chemicals* in all the official languages of the United Nations in the most cost-effective manner no later than the end of 2011 and to make it available on CD-ROM and on the website of the Economic Commission for Europe;

(c) To continue to make information on the implementation of the Globally Harmonized System available on the website of the Economic Commission for Europe;[7]

4. *Invites* Governments that have not yet done so to take the necessary steps, through appropriate national procedures and/or legislation, to implement the Globally Harmonized System of Classification and Labelling of Chemicals as soon as possible;

5. *Reiterates its invitation* to the regional commissions, United Nations programmes, the specialized agencies and other organizations concerned to promote the implementation of the Globally Harmonized System of Classification and Labelling of Chemicals and, where relevant, to amend their respective legal international instruments addressing transport safety, workplace safety, consumer protection or the protection of the environment so as to give effect to the Globally Harmonized System through such instruments;

6. *Invites* Governments, the regional commissions, United Nations programmes, the specialized agencies and other organizations concerned to provide feedback to the Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals on the steps taken for the implementation of the Globally Harmonized System in all relevant sectors, through international, regional or national legal instruments, recommendations, codes and guidelines, including, when applicable, information about the transitional periods for its implementation;

7. *Encourages* Governments, the regional commissions, United Nations programmes, the specialized agencies and other relevant international organizations and non-governmental organizations, in particular those representing industry, to strengthen their support for the implementation of the Globally Harmonized System of Classification and Labelling of Chemicals by providing financial contributions and/or technical assistance for capacity-building activities in developing countries and countries with economies in transition;

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[11] ST/SG/AC.10/38/Add.3.

[12] ST/SG/AC.10/30/Rev.4.

C. Programme of work of the Committee

Taking note of the programme of work of the Committee for the biennium 2011-2012 as contained in paragraphs 48 and 49 of the report of the Secretary-General,[1]

Noting the relatively poor level of participation of experts from developing countries and countries with economies in transition in the work of the Committee and the need to promote their wider participation in its work,

1. *Decides* to approve the programme of work of the Committee;

2. *Stresses* the importance of the participation of experts from developing countries and from countries with economies in transition in the work of the Committee, calls, in that regard, for voluntary contributions to facilitate their participation, including through support for travel and daily subsistence, and invites Member States and international organizations in a position to do so to contribute;

3. *Requests* the Secretary-General to submit a report to the Economic and Social Council in 2013 on the implementation of the present resolution, the recommendations on the transport of dangerous goods and the Globally Harmonized System of Classification and Labelling of Chemicals.